CLERKS OFFICE U.S. DIST. COURT AT LYNCHBURG, VA FILED 8/22/2024

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA Lynchburg Division

LAURA A. AUSTIN, CLERK BY: s/ ARLENE LITTLE DEPUTY CLERK

WILLIAM L. RESPESS, et al.,)
Plaintiffs,))
v.) Case No. 6:24-cv-00028-NKM
VMI ALUMNI ASSOCIATION,)
Defendant.)))
	/

ORDER

This matter came before the Court on the Parties' Joint Motion to Hold in Abeyance the Setting of Trial Date, to Stay Discovery, and to Modify the Pretrial Order ("Motion"). Upon consideration of the Motion, for good cause shown, and on consent of the Parties, the Motion is **GRANTED in part**. It is hereby **ORDERED** that:

- No trial date in this action will be set until after this Court enters an order ruling on the Defendant's Motion to Dismiss. (Dkt. 15)
- 2. Discovery in this action is stayed until after this Court rules on Defendant's Motion to Dismiss.
- 3. This Court's Pretrial Order entered on August 6, 2024 (Dkt. 18) is modified as follows:
 - a. The Parties shall submit and serve their respective Initial Disclosures under Fed.
 R. Civ. P, Rule 26(a)(1) seven (7) days after the date on which Defendant's Answer is due, if an Answer is ultimately required.
 - b. The Parties shall submit their Rule 26(f) Report and Discovery Plan 14 days after the Defendant's Answer is due, if an Answer is ultimately required.

- c. Plaintiffs' deadline for submitting and serving Initial Expert Disclosures as required by Fed. R. Civ. Pro., Rule 26(a)(2) shall be no later than 90 days before the discovery deadline.
- d. Defendant's deadline for submitting and serving Initial Expert Disclosures as required by Fed. R. Civ. Pro., Rule 26(a)(2) shall be no later than 60 days before the discovery deadline.
- e. Expert testimony intended solely to contradict or rebut evidence on the same subject matter identified by another party under Fed. R. Civ. Pro., Rules 26(a)(2)(B) or (C) shall be disclosed as provided under Rule 26(a)(2)(D).
- f. All other provisions of the Pretrial Order (Dkt. 18) shall remain unchanged, subject to a party's ability to file a motion for a change subject to good cause shown.

Entered: August 21, 2024

C. Kailani Memmer

United States Magistrate Judge